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SASKATCHEWAN GUN COLLECTORS ASSOCIATION

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A patriotic, educational and non-profit organization of Canadian citizens, dedicated to the collection of firearms and research into their history. Membership open to any reputable person.

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---GUN TALK---

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Ottawa, Ont.

CLAUSE 6: This amendment would revise the provisions of the Criminal Code dealing with offensive weapons to make more effective the control over the possession and use of firearms and other weapons.

Definitions

"Commis-
sioner"

"82. For the purpose of sections 83 to 98E,
(a) "Commissioner" means the Commissioner of
the Royal Canadian Mounted Police;

"Firearm"

(b) "firearm" means any barrelled weapon from
which any shot, bullet or other missile can
be discharged and that is capable of
causing serious bodily injury or death to the
person, and includes anything that can be
adapted for use as a firearm;

"Local
registrar of
firearms"

(c) "local registrar of firearms" means a
person appointed in writing by the Commission-
er or by the Attorney General as a local
registrar of firearms;

"Permit"

(d) "permit" means a permit issued under
section 97;

"Prohibited
weapon"

(e) "Prohibited weapon" means
(i) a shot gun or rifle, the barrel of which
has been shortened to a length of less
than twenty inches,
(ii) any device or contrivance designed or
intended to muffle or stop the sound or
report of a firearm,
(iii) any knife that has a blade that opens
automatically by gravity or centrifugal
force or by hand pressure applied to a
button, spring or other device in or
attached to the handle of the knife, or
(iv) any weapon of a kind declared by order of
the Governor in Council to be a prohibited
weapon;

"Registration
certificate"

(f) "registration certificate" means a firearms
registration certificate issued under section
98; and

"Restricted
weapon"

(g) "restricted weapon" means
(i) any firearm designed, altered or intended
to be aimed and fired by the action of
one hand,
(ii) any firearm that is capable of firing
bullets in rapid succession during one
pressure of the trigger, or

(iii) any weapon of a kind declared by order of the Governor in Council to be a restricted weapon.

Possession of weapon

83. Every one who carries or has in his possession a weapon or imitation thereof, for a purpose dangerous to the public peace or for the purpose of committing an offence, is guilty of an indictable offence and liable to imprisonment for five years.

Carrying concealed weapon

84. Every one who carries concealed a weapon other than a weapon for which he has a permit under which he may lawfully so carry that weapon, is guilty of

- (a) an indictable offence and is liable to imprisonment for five years, or
- (b) an offence punishable on summary conviction.

Possession of prohibited weapon

85. Every one who buys, sells or has in his possession a prohibited weapon is guilty of

- (a) an indictable offence and is liable to imprisonment for five years, or
- (b) an offence punishable on summary conviction.

Prohibited weapon in motor vehicle

86. Every one who is an occupant of a motor vehicle in which he knows there is a prohibited weapon is guilty of

- (a) an indictable offence and is liable to imprisonment for two years, or
- (b) an offence punishable on summary conviction.

Pointing firearm

87. Every one who, without lawful excuse, points at another person a firearm, whether loaded or unloaded, is guilty of

- (a) an indictable offence and is liable to imprisonment for two years, or
- (b) an offence punishable on summary conviction.

While attending public meeting

88. Every one who has a weapon in his possession while he is attending or is on his way to attend a public meeting is guilty of an offence punishable on summary conviction.

Delivering firearm to person under 14 years

89.(1) Every one who sells, barter, gives, lends, transfers or delivers any firearm or ammunition to a person under the age of fourteen years is guilty of an offence punishable on summary conviction.

Person 14 to 17 years

(2) Every one who sells, barter, gives, lends, transfers or delivers any firearm or ammunition to a person who is fourteen years or more but less than seventeen years of age and

who does not have a permit to possess it is guilty of an offence punishable on summary conviction.

Seizure

90. Notwithstanding section 98E, a peace officer who finds

- (a) a person under the age of fourteen years in possession of any firearm or ammunition,
- (b) a person fourteen years or more but less than seventeen years of age in possession of any firearm or ammunition who does not have a permit to possess it, or
- (c) any person in possession of a prohibited weapon or ammunition therefor,

may seize such firearm or ammunition or such prohibited weapon or ammunition therefor and take it before a magistrate who may, after affording the person from whom it was seized or the owner thereof, if known, an opportunity to be heard, declare it to be forfeited to Her Majesty whereupon it may be disposed of as the Attorney General directs.

Unregistered
restricted
weapon

91. Every one who has in his possession a restricted weapon for which he does not have a registration certificate issued in his name, other than a restricted weapon that is useful or valuable only as an antique or for which he has a permit issued for the purpose described in subsection (2) of section 98 is guilty of

- (a) an indictable offence and is liable to imprisonment for two years, or
- (b) an offence punishable on summary conviction.

Delivery of
restricted
weapon to
person
without
permit

92. Every one who sells, barter, gives, lends, transfers or delivers any restricted weapon to a person who does not have a permit described in subsection (2) of section 98 relating to that weapon is guilty of

- (a) an indictable offence and is liable to imprisonment for two years, or
- (b) an offence punishable on summary conviction

Possession
outside
dwelling
house

93. Every one who has in his possession a restricted weapon elsewhere than in his dwelling house or place of business and who does not have a permit for that purpose relating to that weapon is guilty of

- (a) an indictable offence and is liable to imprisonment for two years, or
- (b) an offence punishable on summary conviction.

Restricted
weapon in
motor vehicle

94. Every one who is an occupant of a motor vehicle in which he knows there is a restricted weapon is, unless some occupant of the motor vehicle has a permit relating to that weapon under which he may lawfully have that weapon in his possession in such vehicle, or he establishes that he had reason

to believe that some occupant of the motor vehicle had such a permit, is guilty of

- (a) an indictable offence and is liable to imprisonment for two years, or
- (b) an offence punishable on summary conviction.

Order prohibiting possession of firearm

95.(1) Where a person is convicted of an offence involving the use, carriage or possession of any firearm, the court, judge, justice or magistrate, as the case may be, may, in addition to any other punishment that may be imposed for that offence, make an order prohibiting him from carrying or having in his possession any firearm during any period not exceeding five years from

- (a) the time of his conviction for that offence, or
- (b) if he was sentenced to imprisonment for that offence, the expiration of his sentence.

Possession of firearm while prohibited by order

(2) Every one who carries or has in his possession any firearm while he is prohibited from doing so by any order made pursuant to this section is guilty of

- (a) an indictable offence and is liable to imprisonment for five years, or
- (b) an offence punishable on summary conviction.

Record of transactions in restricted weapons

96.(1) Every person who carries on a business that included

- (a) the manufacturing of restricted weapons
- (b) the buying or selling of restricted weapons at wholesale or retail,
- (c) the importing of restricted weapons,
- (d) the repairing of restricted weapons, or
- (e) the taking of restricted weapons in pawn, shall,
- (f) keep a record of every transaction that he enters into with respect to such weapons in a form prescribed by the Commissioner,
- (g) produce the record for inspection at the request of a peace officer, and
- (h) mail a copy of the record to the Commissioner when requested in writing by the Commissioner to do so.

Permit to carry on business of selling, etc., restricted weapons

(2) No person shall carry on a business that includes

- (a) the selling of restricted weapons at retail,
- (b) the repairing of restricted weapons, or
- (c) the taking of restricted weapons in pawn, unless he has a permit for that purpose.

(3) Every one who fails to comply with subsection (1) or (2) is guilty of

- (a) an indictable offence and is liable to imprisonment for two years, or
- (b) an offence punishable on summary conviction.

Permit to
possess
restricted
weapon

97.(1) A permit authorizing a person to have in his possession a restricted weapon elsewhere than in his dwelling house or place of business may be issued by

(a) the Commissioner or a person expressly authorized in writing by him to issue a permit for that purpose, or

(b) the Attorney General of a province or a person expressly authorized in writing by him to issue a permit for that purpose,

and shall remain in force until the expiration of the period for which it is expressed to be issued, unless it is sooner revoked.

Limitation

(2) A permit described in subsection (1) may be issued only where the person authorized to issue it is satisfied that the applicant therefor requires the restricted weapon to which the application relates

(a) to protect his life or property,

(b) for use in connection with his lawful profession or occupation, or

(c) for use in target practice in accordance with the conditions attached to the permit.

Permit to
transport
restricted
weapon

(3) A permit to transport a restricted weapon from one place to another place specified therein may be issued by any person mentioned in subsection (1) to any person who is required to transport that weapon by reason of a change of residence or for any other bona fide reason, and shall remain in force until the expiration of the period for which it is expressed to be issued, unless it is sooner revoked.

Permit to
sell, etc.,
restricted
weapon

(4) A permit to carry on a business described in subsection (2) of section 96 may be issued by any person mentioned in subsection (1) and shall remain in force until it is revoked.

Other
permits

(5) Any permit, other than a permit mentioned in subsection (1), (3) or (4), and any permit mentioned in subsection (3) that is issued for the purpose described in subsection (2) of section 98, may be issued by a local registrar of firearms and shall remain in force until the expiration of the period for which it is expressed to be issued, unless it is sooner revoked.

Validity of
permit

(6) No permit other than a permit mentioned in subsection (3) is valid outside the province in which it is issued unless it is issued by the Commissioner or a person expressly authorized in writing by him.

Form and
conditions
of permit

(7) Every permit shall be in a form prescribed by the Commissioner, but any person who is authorized to issue a permit relating to any weapon or ammunition may attach to the permit special conditions relating to the use, carriage or possession of the weapon or ammunition to which it relates.

Contraven-
tion of
conditions
of permit

(8) Every one who contravenes any condition attached to a permit is guilty of an offence punishable on summary conviction.

Registry
to be
maintained

98.(1) The Commissioner shall cause a registry to be maintained in which shall be kept a record of every firearm registration certificate issued under this section.

Application
for regis-
tration
certificate

(2) An application for a registration certificate shall be in a form prescribed by the Commissioner and shall be made to a local registrar of firearms who shall, upon receiving the application,

- (a) issue a permit under section 97 authorizing the applicant to transport the weapon to him for examination; and
- (b) if he is satisfied that the description of the restricted weapon in the application is accurate endorse the application and
 - (i) send one copy thereof to the Commissioner,
 - (ii) deliver one copy thereof to the applicant, and
 - (iii) retain one copy thereof.

Matters to
be reported
to Commis-
sioner

(3) Where a local registrar of firearms has notice of any matter that may render it desirable in the interests of the safety of other persons that the applicant should not possess a restricted weapon, he shall report that matter to the Commissioner.

Registration
Certificate

(4) Upon receiving an endorsed application for a registration certificate the Commissioner shall, subject to section 98(a), register the restricted weapon described in the application and issue a firearms registration certificate therefor in the name of the applicant, in such form as the Commissioner may prescribe and subject to such conditions as he deems necessary to enable the information contained in the registry mentioned in subsection (1) to be maintained on a current basis.

Revocation
of permit
Revocation of
Certificate

98a. (1) A permit may be revoked by any person who is authorized to issue such a permit.

Refusal
to issue
permit

(2) A firearms registration certificate may be revoked by the Commissioner.

(3) Any person who is authorized to issue a permit to carry on a business described in subsection (2) of section 96 may refuse to issue such a permit where he has notice of any matter that may render it desirable in the interests of the safety of other persons that such a permit should not be issued to the applicant

Refusal
to issue
certificate

(4) The Commissioner may refuse to issue a firearms registration certificate where he has notice of any matter that may render it desirable in the interests of the safety of other persons that the applicant should not possess a restricted weapon.

Notice to
be given

(5) Where a permit or registration certificate is revoked or the issue of any permit or registration certificate is refused under this section, the person by whom it is revoked or by whom its issue is refused shall notify the holder of the permit or registration certificate or the applicant, as the case may be, of such revocation or refusal and of his reasons therefor.

Appeal

(6) A person who feels himself aggrieved by any action or decision taken under this section may, within thirty days from the day on which he was notified of the action or decision, appeal to a magistrate from the action or decision by filing with the magistrate a notice of appeal, setting out with reasonable certainty the action or decision complained of and the grounds of appeal, together with such further material as the magistrate may require.

Service of
notice of
appeal

(7) A copy of any notice of appeal filed with a magistrate under subsection (6) and of any further material required to be filed therewith shall be served on the person who took the action or decision being appealed from or on such other person as the magistrate may direct.

Appellant
as
witness

(8) For the purposes of an appeal under subsection (6) the appellant is a competent and compellable witness.

Disposition
of appeal

(9) Upon the hearing of an appeal under subsection (5) the magistrate may

- (a) dismiss the appeal, or
- (b) allow the appeal and cancel the revocation of the permit or registration certificate, or direct that a permit or registration certificate be issued to the applicant, as the case may be.

Magistrate

(10) In this section, "magistrate" means a magistrate having jurisdiction in the territorial division where the applicant for a permit or registration certificate the issue of which has been refused, or the person whose permit or registration certificate has been revoked, as the case may be, resides.

Members of
forces,
peace officers,
etc.

98b. Notwithstanding anything in this Act,

- (a) a member of the Canadian Forces or of the armed forces of a state other than Canada that are lawfully present in Canada,
- (b) a peace officer or public officer, or
- (c) an officer under the Immigration Act, the Customs Act or the Excise Act.

is not guilty of an offence under this Act by reason only that he has in his possession a weapon for the purpose of his duties or employment.

Exception

98c. Subject to subsection (2) of section 96, nothing in this Act makes it unlawful

(a) for a person to be in possession of a firearm in the ordinary course of a business described in subsection (1) of section 96, or

(b) for a person lawfully in possession of a firearm to permit another person to use it under his immediate supervision in the same manner as he may lawfully use it, or for that other person so to use the firearm.

Finding
weapon

98d. (1) Every one commits an offence who, upon finding a restricted weapon that he has reasonable grounds to believe has been lost or abandoned, does not forthwith

(a) deliver it to a peace officer, or a local registrar of firearms, or

(b) report to a peace officer, or a local registrar of firearms, that he has found it.

Lost weapon

(2) Every one commits an offence who, having lost a restricted weapon registered in his name, does not forthwith report to a peace officer or a local registrar of firearms that he has lost such weapon.

Tampering
with serial
number,
certificate or
permit

(3) Every one commits an offence who, without lawful authority, the proof of which lies upon him,

(a) alters, defaces or removes a serial number on a restricted weapon, or

(b) alters, defaces or falsifies a registration certificate or permit.

Punishment

(4) Everyone who commits an offence under this section is guilty of

(a) an indictable offence and is liable to imprisonment for two years, or

(b) an offence punishable on summary conviction.

Search and
seizure

98e. (1) Whenever a peace officer believes on reasonable grounds that an offence is being committed or has been committed against any of the provisions of this Act relating to prohibited weapons or restricted weapons he may search, without warrant, a person or vehicle, or premises other than a dwelling house, and may seize anything by means of or in relation to which he reasonably believes the offence is being committed or has been committed.

Disposition

(2) Anything seized pursuant to subsection (1) shall be dealt with in accordance with section 432 as though it had been seized under section 431.

(2) Where any firearms registration certificate or any permit in Form 42, 43, 44 or 45 or to the like or any similar effect was issued before the coming into force of this section under the authority of the Criminal Code or any other Act of the Parliament of Canada, the certificate or permit shall, on the coming into force of this section, be deemed for all purposes of the Criminal Code to have been issued under section 97 or 98, as the case may be, of the Criminal Code as enacted by this section at the time when, in fact, it was issued

